

ASSEMBLY BILL

No. 1683

**Introduced by Assembly Member Pavley
(Coauthors: Assembly Members Frommer, Levine, and Plescia)**

February 21, 2003

An act to amend Section 1596.859 of, and to add Section 1596.817 to, the Health and Safety Code, relating to child day care.

LEGISLATIVE COUNSEL'S DIGEST

AB 1683, as introduced, Pavley. Child day care: licensing report.

Under existing law, the State Department of Social Services licenses and regulates child day care facilities in accordance with specified requirements. Willful or repeated violation of child day care facility requirements is a misdemeanor.

Existing law requires every licensed child day care facility to make accessible to the public a copy of any licensing report pertaining to the facility that documents a facility visit or a substantiated complaint investigation.

Existing law permits a licensed child day care facility to make available to the general public a licensing report or other appropriate document verifying compliance or noncompliance with a department's order to correct a deficiency.

This bill would, instead, require that the licensee make this documentation available to the public.

This bill would require each licensed child day care facility to post a copy of any of these licensing reports or verifying documents immediately upon receipt, and in a prominent and visible place. It would require the report to remain posted for 10 consecutive business

days. This bill would provide that failure to comply with this posting requirement will result in a civil penalty, as specified.

This bill would also require the department to post in a visible place in the facility a notice that includes the date of the site visit, the date the site visit report should be posted, and a person in the department who may be contacted.

Because this bill would impose additional requirements on licensed child day care facilities, thus creating a new crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1596.817 is added to the Health and
2 Safety Code, to read:

3 1596.817. When the department conducts a site visit of a
4 licensed child day care facility, the department shall post in a
5 visible place in the facility a notice that includes all of the
6 following:

7 (a) The date of the site visit.

8 (b) The date that the site visit report should be posted pursuant
9 to subparagraph (B) of paragraph (1) of subdivision (a) and
10 subdivision (c) of Section 1596.859.

11 (c) The name and telephone number of a person in the
12 department who may be contacted for further information.

13 SEC. 2. Section 1596.859 of the Health and Safety Code is
14 amended to read:

15 1596.859. (a) (1) (A) Each licensed child day care facility
16 shall make accessible to the public a copy of any licensing report
17 pertaining to the facility that documents a facility visit or a
18 substantiated complaint investigation. An individual report shall
19 not be required to be maintained beyond three years from the date
20 of issuance, and shall not include any information that would not



1 have been accessible to the public through the State Department
2 of Social Services Community Care Licensing Division.

3 (B) (i) *Each licensed child day care facility shall post a copy*
4 *of any licensing report pertaining to the facility that documents a*
5 *facility visit or a substantiated complaint investigation. The*
6 *licensing report shall be posted immediately upon receipt, in a*
7 *prominent and visible place, and shall remain posted for 10*
8 *consecutive business days.*

9 (ii) *Failure to comply with clause (i) shall result in a civil*
10 *penalty of one hundred dollars (\$100) per day for each day the*
11 *required posting does not occur.*

12 (2) (A) Every child care resource and referral program
13 established pursuant to Article 2 (commencing with Section 8210)
14 of Chapter 2 of Part 6 of the Education Code, and every alternative
15 payment program established pursuant to Article 3 (commencing
16 with Section 8220) of Chapter 2 of Part 6 of the Education Code
17 shall advise every person who requests a child care referral of his
18 or her right to the licensing information of a licensed child day care
19 facility required to be maintained at the facility pursuant to this
20 section and to access any public files pertaining to the facility that
21 are maintained by the State Department of Social Services
22 Community Care Licensing Division.

23 (B) A written or oral advisement in substantially the following
24 form will comply with the requirements of subparagraph (A):

25 “State law requires licensed child day care facilities to make
26 accessible to the public a copy of any licensing report pertaining
27 to the facility that documents a facility visit or a substantiated
28 complaint investigation. In addition, a more complete file
29 regarding a child care licensee may be available at an office of the
30 State Department of Social Services Community Care Licensing
31 Division. You have the right to access any public information in
32 these files.”

33 (b) Within 30 days after the date specified by the department
34 for a licensee to correct a deficiency, the department shall provide
35 the licensee with a licensing report or other appropriate document
36 verifying compliance or noncompliance. Notwithstanding any
37 other provision of law, and with good cause, the department may
38 provide the licensee with an alternate timeframe for providing the
39 licensing report or other appropriate document verifying
40 compliance or noncompliance. If the department provides the

1 licensee with an alternate timeframe, it shall also provide the
2 reasons for the alternate timeframe, in writing. The licensee ~~may~~
3 *shall* make this documentation available to the public.

4 *(c) (1) The licensee shall post a licensing report or other*
5 *appropriate document verifying the licensee's compliance or*
6 *noncompliance with the department's order to correct a deficiency.*
7 *The licensing report or other document shall be posted*
8 *immediately upon receipt, in a prominent and visible place, and*
9 *shall be posted for a period of 10 consecutive business days.*

10 *(2) Failure to comply with paragraph (1) shall result in a civil*
11 *penalty of one hundred dollars (\$100) per day for each day the*
12 *required posting does not occur.*

13 SEC. 3. No reimbursement is required by this act pursuant to
14 Section 6 of Article XIII B of the California Constitution because
15 the only costs that may be incurred by a local agency or school
16 district will be incurred because this act creates a new crime or
17 infraction, eliminates a crime or infraction, or changes the penalty
18 for a crime or infraction, within the meaning of Section 17556 of
19 the Government Code, or changes the definition of a crime within
20 the meaning of Section 6 of Article XIII B of the California
21 Constitution.

